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Attorneys for Claimant
ACE AMERICAN INSURANCE COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of SCOTT
LARSEN and DEBBIE LARSEN, as owners
of SWEET EMOTION, from exoneration from
or limitation of liability

Case No. 2:21-cv-00390-JAM-AC

**JOINT STIPULATION AND ORDER RE:
MODIFICATION OF PRE-TRIAL
SCHEDULING ORDER**

Action Filed: March 3, 2021
Trial Date: July 31, 2023

Claimants Hanover Insurance Company, Atlantic Specialty Insurance Company, Standard Fire Insurance Company, Ace American Insurance Company, Clinton and Kathy Jones, Markel American Insurance Company, Ox Bow Marina and Plaintiffs-in-Limitation Scott and Debbie Larsen submit the following stipulation and proposed order seeking to extend certain discovery deadlines provided in the Court's August 15, 2022 Order. (Docket No. 52).

The August 15, 2023 Order, set the following dates:

- o Expert disclosures to be made by: November 18, 2022
- o Supplemental disclosure and disclosure of rebuttal experts: December 2, 2022
- o Discovery to be completed by: January 20, 2023
- o Dispositive motions to be filed by: March 3, 2023

- 1 o Dispositive motions to be heard on: May 9, 2023 at 1:30 p.m.
- 2 o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of
- 3 discovery (January 6, 2023).
- 4 o Final pre-trial conference: June 16, 2023 at 10:00 a.m.
- 5 o Trial: July 31, 2023 at 9:00 a.m.
- 6 (Dkt. No. 52).

7 The parties met and conferred and agreed that a continuance of the deadlines for expert
8 disclosures, supplemental disclosures and discovery cut off would be appropriate given the status
9 of discovery as well as the status of settlement negotiations. This action arises out of an explosion
10 and fire at the Ox Bow Marina on September 14, 2020. The parties have diligently taken the
11 depositions of multiple witnesses. However, given the number of witnesses and vessels involved,
12 discovery is not yet complete. In addition, repairs at the Ox Bow Marina are ongoing, discovery
13 regarding the circumstances relating to the incident and the damages incurred by the marina as a
14 result of the incident continue to be undetermined. The parties cannot adequately prepare expert
15 reports until discovery is complete and cannot adequately engage in settlement negotiations until
16 damages can be better determined.

17 On November 14, 2022, the parties met and conferred and agreed that a further 6 month
18 continuance would allow the parties time to complete the necessary discovery to meaningfully
19 engage in settlement discussion. The parties contacted the Court and confirmed that the Court is
20 able to accommodate the following schedule:

- 21 o Expert disclosures to be made by: May 19, 2023
- 22 o Supplemental disclosure and disclosure of rebuttal experts: June 2, 2023
- 23 o Discovery to be completed by: July 21, 2023
- 24 o Dispositive motions to be filed by: September 6, 2023
- 25 o Dispositive motions to be heard on: November 14, 2023 at 1:30 p.m.
- 26 o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of
- 27 discovery (July 7, 2023).
- 28 o Final pre-trial conference: December 15, 2023 at 10:00 a.m.

o Trial: February 5, 2024 at 9:00 a.m.

The parties respectfully request the Court grant the parties' request to continue the dates as outlined above.

Pursuant to the Monition and order on application for publications, all claims were to be filed on or before April 18, 2021 (Docket Nos. 7, 8). On or about April 20, 2021, Elaine Ilderton filed a request for an extension of time to file her claim (Docket No. 20). The Court granted Ms. Ilderton's request for a 90-day extension to file her claim (Docket No. 21), giving a new filing and service deadline of July 21, 2021. No separate claim by Ms. Ilderton has been filed in this limitation action. Therefore, based on the foregoing facts and pursuant to FRCP Title XIII Rule F(4), Ms. Ilderton does not have a separate claim in this limitation action, making her signature on this Stipulation unnecessary.

IT IS SO STIPULATED:

Dated: November 14, 2022

POWERS MILLER

By: /s/ KATHERINE MARLINK
John P. Sciacca, Esq.
Katherine Marlink, Esq.
Attorneys for Plaintiffs SCOTT LARSEN and
DEBBIE LARSEN

Dated: November 14, 2022

**LAW OFFICE OF VICTORIA A.
TURCHETTI**

By: /s/ MICHAEL S. LEAVY
Michael S. Leavy, Esq.
Attorneys for Claimant ATLANTIC
SPECIALTY INSURANCE COMPANY

Dated: November 14, 2022

GIBSON ROBB & LINDH LLP

By: /s/ C. JOSEPH OU
C. Joseph Ou, Esq.
Attorneys for Claimants STANDARD FIRE
INSURANCE COMPANY and ACE
AMERICAN INSURANCE COMPANY

1 Dated: November 14, 2022

**COX WOOTON LERNER GRIFFIN &
HANSEN LLP**

2
3 By: /s/ NEIL S. LERNER
Neil S. Lerner, Esq.
4 Attorneys for Claimants CLINTON JONES and
KATHY JONES

5
6 Dated: November 14, 2022

NOMA LAW FIRM

7 By: /s/SALLY NOMA
Sally Noma, Esq.
8 Attorneys for Claimant MARKEL AMERICAN
INSURANCE COMPANY

9
10 Dated: November 14, 2022

KEESAL, YOUNG & LOGAN

11 By: /s/ JOHN D. GIFFIN
John D. Giffin, Esq.
12 Attorneys for Claimant OX BOW MARINA

13
14 Dated: November 14, 2022

**GROTEFELD HOFFMANN GORDON &
OCHOA, LLP**

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16 By: /s/MARGARET L. SELL
Margaret L. Sell, Esq.
17 Attorneys for Claimant HANOVER
INSURANCE COMPANY

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20 I, C. Joseph Ou attest that the other signatories listed above and on whose behalf the filing
21 is submitted, concurred in the filing's content, and authorized the filing.

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23 /s/ C.JOSEPH OU
C. Joseph Ou

ORDER

Based on the stipulation of the parties and good cause appearing, the Pre-trial Scheduling Order of July 18, 2022, is modified as follows:

- o Expert disclosures to be made by: May 19, 2023
- o Supplemental disclosure and disclosure of rebuttal experts: June 2, 2023
- o Discovery to be completed by: July 21, 2023
- o Dispositive motions to be filed by: September 6, 2023
- o Dispositive motions to be heard on: November 14, 2023 at 1:30 p.m.
- o Joint Mid-Litigation Statement Filing Deadline: 14 days prior to close of discovery (July 7, 2023).
- o Final pre-trial conference: December 15, 2023 at 11:00 a.m.
- o Trial: February 5, 2024 at 9:00 a.m.

IT IS SO ORDERED.

Dated: November 14, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE